



Charlottesville City Schools

e-mail: David.Uhlig@ccs.k12.va.us

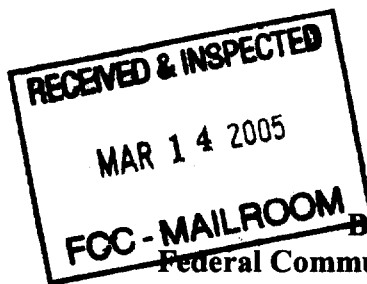
David A. Uhlig

Coordinator
Data Information Systems

1562 Dairy Road • Charlottesville VA 22903

(804) 245-2955 Voice

(804) 245-2603 Fax



Before the
Federal Communications Commission
Washington D.C. 20554

In the Matter of)
)
Request for Review of Decision)
By the Schools and Libraries Division)
For Charlottesville City, Virginia)
Public Schools)
)
Federal-State Joint Board on)
Universal Service) CC Docket No. 02-6
)
)

Request for Review

Charlottesville City Schools
Billed Entity Number: 126476
Form 471 Numbers: 387023, 387283, 387026,
Funding Request Numbers: 1063860, 1064318, 1063867, 1064317

Pursuant to Section 54.719(c) of the rules of the Federal Communications Commission ("Commission"), the Charlottesville City School Division ("Charlottesville"), hereby submits this Request for Review of the Decision by the Universal Service Administrator, Schools and Libraries Division ("SLD") that denied Charlottesville's request for funding for Telecommunications services for Funding Year 2004. The stated basis for the SLD's denial was that "You failed to provide a copy of your technology plan that covered the entire Funding Year 2004. Consequently, SLD denies your appeal."¹

The SLD improperly denied our appeal in direct conflict with clear and unambiguous instructions from the Commission in the Fifth Order on Reconsideration under Docket Number 02-6. The Commission ruled stated:

We hereby grant a waiver of section 54.504(b)(2)(vii) of our rules to all applicants that failed to have a technology plan approved at the time they filed their FCC Form 470 or that had obtained approval of a technology plan that covered only part of the funding year, but that obtained approval of a plan that covered the entire funding year before the commencement of service in the relevant funding year.²

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¹ SLD denial letter dated January 18, 2005, third bullet, second paragraph

² FCC Fifth Order on Reconsideration CC Docket No. 02-6, Released August 13, 2004 at 57

Charlottesville did indeed have an approved technology plan that was valid for a portion of the relevant funding year and obtained approval of a new technology plan before commencement of Fund Year 2004.

In light of this clear and unmistakable abuse of authority and total disregard for direct FCC Order, we ask the Commission to overturn this decision within 90 days, *or less* in accordance with standing Commission Practice and Procedure.

Background

Charlottesville submitted E-Rate funding requests, listed here in this Request for Review for E-Rate Fund Year 2004 properly and within the filing window for such applications.

Charlottesville had an approved technology plan when we filed our Form 470. The plan was approved by the Virginia Department of Education on February 8, 1999, for a period of six years, in accordance with Virginia Statute. As such, the plan, under Virginia state law, was valid until February 8, 2005.

The SLD, In correspondence dated May 11, 2004, denied our funding requests citing the following reason:

Technology plan supplied does not cover the funding year. FCC rules require that applicants have a tech plan if they are seeking discounts for more than basic phone service. The services in this FRN are more than basic phone service.

Charlottesville appealed the SLD decision citing a number of ambiguities in Commission regulation and SLD policy regarding the coverage period for technology plans. The appeal is provided here as (Attachment 1).

The FCC established regulations regarding the existence of technology plans in section 54.504(b)(2)(vii). This section described requirements for Applicants when seeking competitive bids for E-Rate eligible services, or regulations governing the filing of FCC Form 470:

The school, library, or consortium including those entities *has* a technology plan that has been certified by its state, the Administrator, or an independent entity approved by the Commission. (emphasis added).

Subsequently, with issuance of FCC Forms 470 and 471, certification language on those forms indicated that technology plans need not be "approved" by the filing date of either the Form 470 or Form 471, rather that the technology plans "will be approved." While language of FCC regulations clearly require applicants to have an approved technology plan at the time of Form 470 filing, this requirement has never been enforced.

The SLD has advised applicants that a plan must "exist" – in some undefined fashion - when the Form 470 is filed.

Ambiguity between the language of Section 54.504, language on Forms 470 and 471, and current SLD policy for evaluation of technology plans prompted the FCC to raise the question in the Second Report and Order and Notice of Proposed Rule Making in April 2003.

On April 16, 2004, the SLD posted a document titled "Technology Planning" (SLD Technology Document). The SLD Technology Document included a section titled "Policies and Procedures (Approved July 2000)," apparently indicating these policies were in place in July 2000. A search of the SLD announcement archives for the period however does not indicate approval of a "Technology Planning Policy" document during the period of June through September 2000.

The first two waves of funding commitments for funding Year Seven (Year 2004) have included a number of funding denials citing a lack of written technology plans or plans that do not cover the funding year.

On August 13, 2004, the Commission issued the Fifth Order on Reconsideration granting a waiver to applicants that had an approved technology plan covering a portion of the relevant funding year and obtained approval of a technology plan covering the entire fund year prior to commencement of the fund year.

Greg Weisiger, state E-Rate coordinator for the commonwealth of Virginia sent an email communication on August 30, 2004, to Mr. George McDonald, Vice President of the SLD, John Noran of the SLD, and John Peery of the National Exchange Carrier Association, subcontractor to the SLD, reminding the SLD of the waiver provision in the Fifth Order on Reconsideration:

From: "Greg Weisiger" <gweisige@pen.k12.va.us>
To: "George McDonald" <gmcDonald@universalservice.org>;
<duhlig@mindspring.com>; <jpeery@sl.universalservice.org>; "John Noran" <JNoran@universalservice.org>
Sent: Monday, August 30, 2004 9:23 AM
Subject: Charlottesville City, Virginia Appeal

Re:
Charlottesville City Funding Year 2004 Appeals
Entity Number: 126476
Application Numbers: 387283, 387026, 396257, 387283, 387023
Funding Request Numbers: 1063860, 1064318, 1063867, 1083138, 1064317

Gentlemen,
Please forward this message to the appropriate appeal reviewers at

USAC.

Now before the Administrator are appeals of a May 11, 2004 Administrator commitment letter denying the above referenced funding requests citing, in essence, the following reason for denial: "Technology plan supplied does not cover the funding year."

Regardless of arguments raised in the appeal of these decisions and the Administrator's review of those arguments, the Commission, through the Fifth Report and Order in Docket Number 02-6, released August 13, 2004, made the Administrator's review now moot. Specifically, the Commission waived enforcement of Administrator ambiguous technology plan requirement policies in effect prior to the Order. Order at 57: "We hereby grant a waiver of section 54.504(b)(2)(vii) of our rules to all applicants that failed to have a technology plan approved at the time they filed their FCC Form 470 or that had obtained approval of a technology plan that covered only part of the funding year, but that obtained approval of a plan that covered the entire funding year before the commencement of service in the relevant funding year."

In correspondence dated January 18, 2005 the SLD denied our appeal stating that our technology plan did not cover the entire fund year. The SLD decision did not mention the Fifth Order on Reconsideration. The denial is submitted here as (Attachment 2).

Discussion

The sole issue before the Commission with this Request for Review is whether or not Charlottesville had an approved technology plan covering at least *some portion* of Fund Year 2004 when the Form 471 was filed and a subsequent approved technology plan covering the entire fund year, so long as the subsequent plan was approved before the fund year began. If those two conditions are met, Charlottesville would qualify for the waiver granted all similarly situated applicants under paragraph 57 of the Fifth Order. Clearly, Charlottesville does qualify for this waiver.

Charlottesville submitted to the Virginia Department of Education a revised technology plan dated December 1998. In correspondence dated February 8, 1999, the Department of Education approved our technology plan for E-Rate purposes.

Virginia statute deems that technology plans shall be effective for a period of six years.

According to The Code of Virginia, Title 22.1, Chapter 13.2 § 22.1-253.13:6:

The divisionwide **six-year** improvement plan shall include (i) the objectives of the school division; (ii) an assessment of the extent to which these objectives are being achieved; (iii) a forecast of enrollment changes; (iv) a plan for managing enrollment changes including consideration of the consolidation of schools to provide for a more comprehensive and effective delivery of instructional services to students and economies in school operations; (v) an evaluation of the appropriateness of providing certain regional services in cooperation with neighboring school divisions; (vi) a plan for implementing such regional services when appropriate; (vii) ***a technology plan designed to integrate educational technology into the instructional programs of the school division, including the school division's career and technical education programs, consistent with the six-year technology plan for Virginia adopted by the Board of Education; and*** (viii) an assessment of the needs of the school division and evidence of community participation in the development of the plan. (emphasis added)

In accordance with Virginia statute, the Charlottesville technology plan would be considered "approved" for a period of six years from the date of the approval letter. In this case, February 8, 2005 – more than halfway through E-Rate funding Year 2004. Further, the existing, approved technology plan was used as the basis for the new six-year technology plan, which was approved by the Virginia Department of Education in correspondence dated _____ and provided here as (Attachment 3).

During Review of these applications, SLD Program Integrity Assurance agents (PIA) requested a copy of our technology plan. The new plan, provided here as (Attachment 4) was still in draft form so we chose to submit our existing, approved technology plan rather than the new, unfinished plan. The PIA agents accepted the plan and did not make further inquiries as to the date of the plan or of the approval letter from the Virginia DOE.

We note that nowhere in the ten page SLD Technology Document, published on the SLD web site April 16, 2004 (two months after the funding Year 2004 filing deadline), does it state that the technology plan must cover the entirety of the funding year for which the application is made. The document references a suggestion that the plan ***should*** cover a period of three years but absolutely no mention of any requirement that a plan must or shall cover the entire funding year in which an application is made. FCC regulations are also silent on the issue. The document cites FCC Order 97-157 as the basis for the technology plan requirement. The Order is silent on a specific time span technology plans should cover but that they should be "...over the near term and into the future..." The SLD, on its own, has determined the length of technology plans should cover three years, except when state or federal statute deems otherwise.

There was absolutely no regulatory or policy guidance from the FCC or SLD in place for circumstances related to technology plan "transition years," when an approved technology plan expires and a new technology plan is being developed – as was the case here. Obviously, there will be a period of time when applicants develop new plans as old ones expire.

Further, the fact that Charlottesville had an approved technology plan at the time of our Form 470 filing complies with FCC regulations in 54.504 as they were written at the time of our Form 470 filing. The existing Charlottesville plan was "approved," as a matter of law, for more than one year after the Form 470 filing or more than one-third of the SLD recommended approval period.

Finally, the SLD must consider the services requested on the E-Rate discount applications as they relate to the technology plan, whether the plans be old or new. We contend the existing, approved technology plan serves as the "basis" for our new technology plan. It would logically follow that discounted services requested for Year 2004 funding would be similar, if not identical to services requested for Year 2003, Year 2002, or even Year 2001 – years covered under the existing, approved technology plan. Close analysis of funding requests for all three years show very modest, reasonable funding requests for a school division of our size and relative wealth. Several of our contracts are long-term covering up to six years. We entered into these multi-year contracts because of favorable terms afforded through statewide contracts and the fact that we can predict our telecommunications and Internet needs based on reasonable, thoughtful planning.

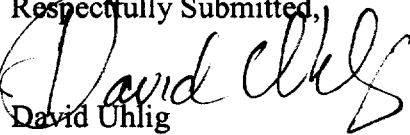
Conclusion

Charlottesville had in place an approved technology plan that, under state law, was deemed approved for six years from the date of approval (February 1999). The technology plan expired in February 2005, more than half way through Fund Year 2004. Charlottesville submitted and had approved a new six-year technology plan covering the entirety of the Fund Year 2004. The new plan was approved by the Department of Education prior to start of Fund Year 2004.

The Fifth Order on Reconsideration granted technology plan approval waivers for applicants in our situation. Without question, the Charlottesville appeal should have been granted by the SLD. We ask the Commission to overturn this incorrect decision.

The long track record Charlottesville has established with the E-Rate program of economically reasonable funding requests and responsible utilization of E-Rate funded resources should demonstrate an inherent attempt by Charlottesville administrators to comply with both the letter and spirit of E-Rate program regulations and policies, whatever they may be at any given time. We particularly emphasize the fact that Charlottesville Public Schools have NEVER engaged in wasteful, abusive, or fraudulent E-Rate funding requests. We request funding only for services Congress intended through the Telecommunications Act of 1996.

Respectfully Submitted,

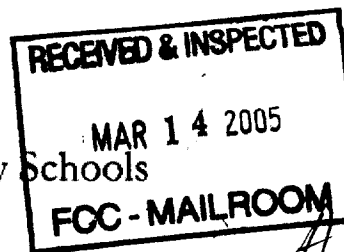


David Uhlig
Charlottesville City Schools



Charlottesville City Schools

May 13, 2004



Letter of Appeal
Schools and Libraries Division
Box 125-Correspondence Unit
80 South Jefferson Road
Whippany, NJ 07981

Charlottesville City Schools
Billed Entity Number: 126476
Form 471 Numbers: 387023, 387283, 387026,
Funding Request Numbers: 1063860, 1064318, 1063867, 1064317

Gentlemen:

The Schools and Libraries Division (SLD) improperly denied the E-Rate discount applications for Charlottesville City Schools. With this letter we wish to appeal this unfortunate decision and have these applications reinstated for further review and funding.

The SLD, In correspondence dated May 11, 2004, denied our funding requests citing the following reason:

Technology plan supplied does not cover the funding year. FCC rules require that applicants have a tech plan if they are seeking discounts for more than basic phone service. The services in this FRN are more than basic phone service.

We completely disagree with this decision and submit the SLD reviewer did improperly interpret Federal Communication Regulations (FCC) and made policy decision outside established existing regulation, in direct violation of the SLD prohibition from setting policy independent of FCC Order.

In contrast to the denial reason, we do indeed have a technology plan that has been approved by the Virginia Department of Education to cover the majority of the funding year. The existing approved technology plan is being used as the basis for our new technology plan covering E-Rate funding Year Seven through funding Year 13.

Background

The FCC established regulations governing the E-Rate program. Those regulations established the Universal Service Administrative Company as the Administrator (Administrator) of the program. Regulations governing activity of the

Administrator were very specific and limiting with regard to policy decision powers of the Administrator. According to FCC regulation 54.702(c):

The Administrator may not make policy, interpret unclear provisions of the statute or rules, or interpret the intent of Congress. Where the Act or the Commission's rules are unclear, or do not address a particular situation, the Administrator shall seek guidance from the Commission.

The FCC established regulations regarding the existence of technology plans in section 54.504(b)(2)(vii). This section described requirements for Applicants when seeking competitive bids for E-Rate eligible services, or regulations governing the filing of FCC Form 470:

The school, library, or consortium including those entities *has* a technology plan that has been certified by its state, the Administrator, or an independent entity approved by the Commission. (emphasis added).

Subsequently, with issuance of FCC Forms 470 and 471, certification language on those forms indicated that technology plans need not be "approved" by the filing date of either the Form 470 or Form 471, rather that the technology plans "will be approved." While language of FCC regulations clearly requires applicants to have an approved technology plan at the time of Form 470 filing, this requirement has never been enforced. The SLD has advised applicants that a plan must "exist" – in some undefined fashion - when the Form 470 is filed.

Ambiguity between the language of Section 54.504, language on Forms 470 and 471, and current SLD policy for evaluation of technology plans prompted the FCC to raise the question in the Second Report and Order and Notice of Proposed Rule Making in April 2003. To date, the FCC has not ruled on the NPRM technology plan question and the ambiguity therefore remains.

On April 16, 2004, the SLD posted a document titled "Technology Planning" (SLD Technology Document). The SLD Technology Document included a section titled "Policies and Procedures (Approved July 2000)," apparently indicating these policies were in place in July 2000. A search of the SLD announcement archives for the period however does not indicate approval of a "Technology Planning Policy" document during the period of June through September 2000.

The first two waves of funding commitments for funding Year Seven (Year 2004) have included a number of funding denials citing a lack of written technology plans or plans that do not cover the funding year.

Discussion

Charlottesville City Schools submitted to the Virginia Department of Education a revised technology plan dated December 1998. In correspondence dated February 8, 1999, the Department of Education approved our technology plan for E-Rate purposes. Virginia statute deems that technology plans shall be effective for a period of six years.

According to The Code of Virginia, Title 22.1, Chapter 13.2 § 22.1-253.13:6:

The divisionwide six-year improvement plan shall include (i) the objectives of the school division; (ii) an assessment of the extent to which these objectives are being achieved; (iii) a forecast of enrollment changes; (iv) a plan for managing enrollment changes including consideration of the consolidation of schools to provide for a more comprehensive and effective delivery of instructional services to students and economies in school operations; (v) an evaluation of the appropriateness of providing certain regional services in cooperation with neighboring school divisions; (vi) a plan for implementing such regional services when appropriate; (vii) *a technology plan designed to integrate educational technology into the instructional programs of the school division, including the school division's career and technical education programs, consistent with the six-year technology plan for Virginia adopted by the Board of Education; and* (viii) an assessment of the needs of the school division and evidence of community participation in the development of the plan. (emphasis added)

In accordance with Virginia statute, the Charlottesville technology plan would be considered "approved" for a period of six years from the date of the approval letter. In this case, February 8, 2005 – more than halfway through E-Rate funding Year 2004. Further, the existing, approved technology plan is being used as the basis for the new six-year technology plan now under development. New plans are required to be submitted to the Virginia Department of Education for approval before July 1, 2004.

During Review of these applications, SLD Program Integrity Assurance agents (PIA) requested a copy of our technology plan. The new plan (attached here) was still in draft form so we chose to submit our existing, approved technology plan rather than the new, unfinished plan. The PIA agents accepted the plan and did not make further inquiries as to the date of the plan or of the approval letter from the Virginia DOE.

We note that nowhere in the ten page SLD Technology Document, published on the SLD web site April 16, 2004 (two months after the funding Year 2004 filing deadline), does it state that the technology plan must cover the entirety of the funding year for which the application is made. The document references a suggestion that the plan should cover a period of three years but absolutely no mention of any requirement that a plan must or shall cover the entire funding year in which an application is made. FCC regulations are also silent on the issue. The document cites FCC Order 97-157 as the basis for the technology plan requirement. The Order is silent on a specific time span technology plans should cover but that they should be "...over the near term and into the

future..." The SLD, on its own, has determined the length of technology plans should cover three years, except when state or federal statute deems otherwise.

There is absolutely no regulatory or policy guidance from the FCC or SLD for circumstances related to technology plan "transition years," when an approved technology plan expires and a new technology plan is being developed – as is the case here. Obviously, there will be a period of time when applicants develop new plans as old ones expire. In our case, the new plan will be submitted for approval more than *six months* before the old plan is set to expire.

Further, the fact that we actually had an approved technology plan at the time of our Form 470 filing complies with FCC regulations in 54.504 as they are currently written. At the time of our Form 470 filing, the existing plan would be considered "approved" for more than one year after the Form 470 filing or more than one-third of the SLD recommended approval period. Certainly, it is not the intent of the SLD, the FCC, or Congress to require applicants to constantly update technology plans that could be less than two years old, in light of the SLD recommendation that technology plans cover a period of no more than three years.

Finally, the SLD must consider the services requested on the E-Rate discount applications as they relate to the technology plan, whether the plans be old or new. We contend the existing, approved technology plan serves as the "basis" for our new technology plan. It would logically follow that discounted services requested for Year 2004 funding would be similar, if not identical to services requested for Year 2003, Year 2002, or even Year 2001 – years covered under the existing, approved technology plan. Close analysis of funding requests for all three years (attachment 2) show very modest, reasonable funding requests for a school division of our size and relative wealth. Several of our contracts are long-term covering up to six years. We entered into these multi-year contracts because of favorable terms afforded through statewide contracts and the fact that we can predict our telecommunications and Internet needs based on reasonable, thoughtful planning.

The long track record Charlottesville has established with the E-Rate program of economically reasonable funding requests and responsible utilization of E-Rate funded resources should demonstrate an inherent attempt by Charlottesville administrators to comply with both the letter and spirit of E-Rate program regulations and policies, whatever they may be at any given time. We particularly emphasize the fact that Charlottesville Public Schools have NEVER engaged in wasteful, abusive, or fraudulent E-Rate funding requests. We request funding only for services Congress intended through the Telecommunications Act of 1996.

We ask the SLD to recognize technology plan transition periods may result in overlaps of "approved" technology plan coverage. We ask the SLD to recognize that the existence of an approved technology plan at the time of a Form 470 filing should be considered the "basis" of a new technology plan and use the existing, approved plan for evaluation of funding requests during PIA review. We ask that this be done considering

the current ambiguity of the technology plan question and FCC regulations prohibiting the SLD from "...make(ing) policy, interpret unclear provisions of the statute or rules..." We also ask the SLD to accept our new technology plan for consideration with this appeal, as it should be considered clarifying information, which is allowable under FCC precedent.

Attached is the 1998 revision of our technology Plan as it was submitted to the SLD as well as our long history of funding and dependence on E-rate funding.

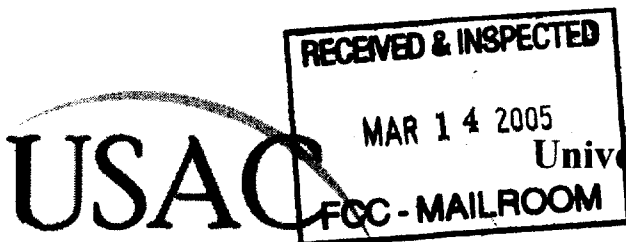
Respectfully Submitted,

A handwritten signature in black ink, appearing to read "David A. Uhlig". The signature is fluid and cursive, with the first name "David" being more prominent.

David A. Uhlig
Coordinator of Management Information Systems
Charlottesville City Public School District
1562 Dairy Road
Charlottesville, VA 22903

Voice: (434) 245 2955
FAX: (434) 245-2603

David.Uhlig@ccs.k12.va.us



Universal Service Administrative Company
Schools & Libraries Division

**Administrator's Decision on Appeal
Funding Year 2004-2005**

January 18, 2005

Attachment 2

David Uhlig
Charlottesville City Public Schools
1562 Diary Road
Charlottesville City, VA 22903

Re:	Applicant Name:	Charlottesville City School District
	Billed Entity Number:	126476
	Form 471 Application Number:	387026
	Funding Request Number(s):	1063867
	Your Correspondence Dated:	May 13, 2004

After thorough review and investigation of all relevant facts, the Schools and Libraries Division (SLD) of the Universal Service Administrative Company (USAC) has made its decision in regard to your appeal of SLD's Funding Year 2004 Funding Commitment Decision Letter for the Application Number indicated above. This letter explains the basis of SLD's decision. The date of this letter begins the 60-day time period for appealing this decision to the Federal Communications Commission (FCC). If your Letter of Appeal included more than one Application Number, please note that you will receive a separate letter for each application.

Funding Request Number: 1063867
Decision on Appeal: **Denied in full**
Explanation:

- On appeal, you are seeking the reversal of the SLD's decision to deny the funding request on the basis that the written Technology Plan supplied does not cover Funding Year 2004. In support of your request, you state that the SLD reviewer improperly interpreted FCC regulations and made a policy decision outside the established existing regulation in direct violation of the SLD prohibition from setting a policy independent of the FCC order. You assert that Charlottesville City School District (the District) does have a technology plan that was approved by the Virginia Department of Education and it will be used as the basis of their Technology Plan for Funding Year Seven through Funding Year Thirteen (Funding Year 2004 through Funding Year 2010). You state that since the current plan was revised in December 1998 and the Virginia statute deems that technology plans shall be effective for six years, you maintain that the District's current plan is still in effect and will be until February 8, 2005. Since this date is more than six months, you maintain this should cover the entire funding year.

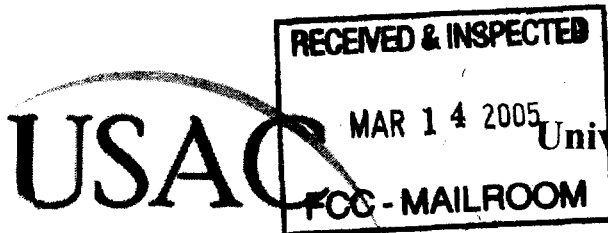
- According to the information that you submitted as Item 21 attachment, this request included ISDN/PRI and Translink (DS1/T1) services. In accordance with program rules, these types of services are eligible for E-rate discount as a non-basic telephone service and require that the entity receiving the services have a technology plan. You maintain that you have had the same Technology Plan in place since December 1998 that was approved by the Virginia Department of Education (DOE) for a period of six years. In the addendum letter provided with your appeal, you have acknowledged that the Technology Plan would be in effect for six years from the date of approval or February 8, 2005. Additionally, you assert that a new Technology Plan is to be submitted to the Virginia DOE for approval before July 1, 2004. At the time of the initial SLD review, the SLD determined that a DOE approved Technology Plan to cover the entire Funding Year 2004 was not in place.
- Your Form 471 requested funding for products and/or services other than basic local and long distance telephone service. FCC rules require applicants to certify that the entities receiving products and/or services other than basic telephone service are covered by an individual and/or higher-level technology plan that has been, or is in the process of being approved. 47 C.F.R. § 54.504(b)(2)(vii); *See Schools and Libraries Universal Service, Services Ordered and Certification Form, OMB 3060-0806 Block 6, item 26, 27 (FCC Form 471).*

On your Form 471, you certified that the recipients of products and/or service were covered by an individual and/or higher-level technology plan and that the technology plan had been approved or was in the process of being approved. During the review of your application, SLD requested that you provide a copy of your technology plan. You failed to provide a copy of your technology plan that covered the entire Funding Year 2004. Consequently, SLD denies your appeal.

If your appeal has been approved, but funding has been reduced or denied, you may appeal these decisions to either the SLD or the Federal Communications Commission (FCC). For appeals that have been denied in full, partially approved, dismissed, or cancelled, you may file an appeal with the FCC. You should refer to CC Docket No. 02-6 on the first page of your appeal to the FCC. Your appeal must be received or postmarked within 60 days of the date on this letter. Failure to meet this requirement will result in automatic dismissal of your appeal. If you are submitting your appeal via United States Postal Service, send to: FCC, Office of the Secretary, 445 12th Street SW, Washington, DC 20554. Further information and options for filing an appeal directly with the FCC can be found in the "Appeals Procedure" posted in the Reference Area of the SLD web site or by contacting the Client Service Bureau. We strongly recommend that you use the electronic filing options.

We thank you for your continued support, patience, and cooperation during the appeal process.

Schools and Libraries Division
Universal Service Administrative Company



Universal Service Administrative Company
Schools & Libraries Division

**Administrator's Decision on Appeal
Funding Year 2004-2005**

January 18, 2005

David Uhlig
Charlottesville City Public Schools
1562 Diary Road
Charlottesville City, VA 22903

Re: Applicant Name: Charlottesville City School District
 Billed Entity Number: 126476
 Form 471 Application Number: 387283
 Funding Request Number(s): 1064317, 1064318
 Your Correspondence Dated: May 13, 2004

After thorough review and investigation of all relevant facts, the Schools and Libraries Division (SLD) of the Universal Service Administrative Company (USAC) has made its decision in regard to your appeal of SLD's Funding Year 2004 Funding Commitment Decision Letter for the Application Number indicated above. This letter explains the basis of SLD's decision. The date of this letter begins the 60-day time period for appealing this decision to the Federal Communications Commission (FCC). If your Letter of Appeal included more than one Application Number, please note that you will receive a separate letter for each application.

Funding Request Number: 1064317, 1064318
Decision on Appeal: **Denied in full**
Explanation:

- On appeal, you are seeking the reversal of the SLD's decision to deny the funding request on the basis that the written Technology Plan supplied does not cover Funding Year 2004. In support of your request, you state that the SLD reviewer improperly interpreted FCC regulations and made a policy decision outside the established existing regulation in direct violation of the SLD prohibition from setting a policy independent of the FCC order. You assert that Charlottesville City School District (the District) does have a technology plan that was approved by the Virginia Department of Education and it will be used as the basis of their Technology Plan for Funding Year Seven through Funding Year Thirteen (Funding Year 2004 through Funding Year 2010). You state that since the current plan was revised in December 1998 and the Virginia statute deems that technology plans shall be effective for six years, you maintain that the District's current plan is still in effect and will be until February 8, 2005. Since this date is more than six months, you maintain this should cover the entire funding year.

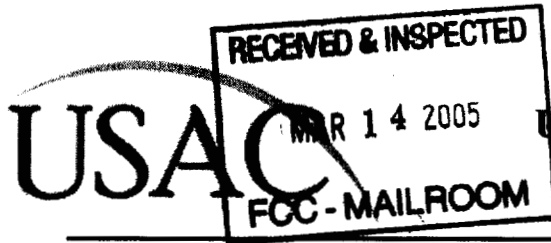
- According to the information that you submitted as Item 21 attachment, this request included ISDN/PRI and Translink (DS1/T1) services. In accordance with program rules, these types of services are eligible for E-rate discount as a non-basic telephone service and require that the entity receiving the services have a technology plan. You maintain that you have had the same Technology Plan in place since December 1998 that was approved by the Virginia Department of Education (DOE) for a period of six years. In the addendum letter provided with your appeal, you have acknowledged that the Technology Plan would be in effect for six years from the date of approval or February 8, 2005. Additionally, you assert that a new Technology Plan is to be submitted to the Virginia DOE for approval before July 1, 2004. At the time of the initial SLD review, the SLD determined that a DOE approved Technology Plan to cover the entire Funding Year 2004 was not in place.
- Your Form 471 requested funding for products and/or services other than basic local and long distance telephone service. FCC rules require applicants to certify that the entities receiving products and/or services other than basic telephone service are covered by an individual and/or higher-level technology plan that has been, or is in the process of being approved. 47 C.F.R. § 54.504(b)(2)(vii); *See Schools and Libraries Universal Service, Services Ordered and Certification Form, OMB 3060-0806 Block 6, item 26, 27 (FCC Form 471)*.

On your Form 471, you certified that the recipients of products and/or service were covered by an individual and/or higher-level technology plan and that the technology plan had been approved or was in the process of being approved. During the review of your application, SLD requested that you provide a copy of your technology plan. You failed to provide a copy of your technology plan that covered the entire Funding Year 2004. Consequently, SLD denies your appeal.

If your appeal has been approved, but funding has been reduced or denied, you may appeal these decisions to either the SLD or the Federal Communications Commission (FCC). For appeals that have been denied in full, partially approved, dismissed, or cancelled, you may file an appeal with the FCC. You should refer to CC Docket No. 02-6 on the first page of your appeal to the FCC. Your appeal must be received or postmarked within 60 days of the date on this letter. Failure to meet this requirement will result in automatic dismissal of your appeal. If you are submitting your appeal via United States Postal Service, send to: FCC, Office of the Secretary, 445 12th Street SW, Washington, DC 20554. Further information and options for filing an appeal directly with the FCC can be found in the "Appeals Procedure" posted in the Reference Area of the SLD web site or by contacting the Client Service Bureau. We strongly recommend that you use the electronic filing options.

We thank you for your continued support, patience, and cooperation during the appeal process.

Schools and Libraries Division
Universal Service Administrative Company



Universal Service Administrative Company
Schools & Libraries Division

**Administrator's Decision on Appeal
Funding Year 2004-2005**

January 18, 2005

David Uhlig
Charlottesville City Public Schools
1562 Diary Road
Charlottesville City, VA 22903

Re:	Applicant Name:	Charlottesville City School District
	Billed Entity Number:	126476
	Form 471 Application Number:	387023
	Funding Request Number(s):	1063860
	Your Correspondence Dated:	May 13, 2004

After thorough review and investigation of all relevant facts, the Schools and Libraries Division (SLD) of the Universal Service Administrative Company (USAC) has made its decision in regard to your appeal of SLD's Funding Year 2004 Funding Commitment Decision Letter for the Application Number indicated above. This letter explains the basis of SLD's decision. The date of this letter begins the 60-day time period for appealing this decision to the Federal Communications Commission (FCC). If your Letter of Appeal included more than one Application Number, please note that you will receive a separate letter for each application.

Funding Request Number: 1063860
Decision on Appeal: **Denied in full**
Explanation:

- On appeal, you are seeking the reversal of the SLD's decision to deny the funding request on the basis that the written Technology Plan supplied does not cover Funding Year 2004. In support of your request, you state that the SLD reviewer improperly interpreted FCC regulations and made a policy decision outside the established existing regulation in direct violation of the SLD prohibition from setting a policy independent of the FCC order. You assert that Charlottesville City School District (the District) does have a technology plan that was approved by the Virginia Department of Education and it will be used as the basis of their Technology Plan for Funding Year Seven through Funding Year Thirteen (Funding Year 2004 through Funding Year 2010). You state that since the current plan was revised in December 1998 and the Virginia statute deems that technology plans shall be effective for six years, you maintain that the District's current plan is still in effect and will be until February 8, 2005. Since this date is more than six months, you maintain this should cover the entire funding year.

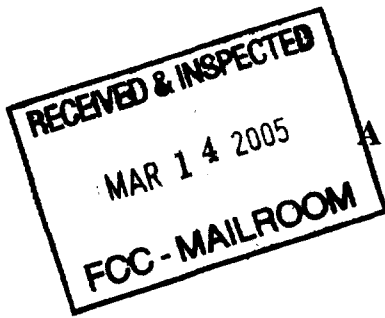
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Schools and Libraries Division
Universal Service Administrative Company



Tech Plan in Question

**A Comprehensive Plan for Technology
Charlottesville City Schools
1998 Revision**

Preface

A Comprehensive Plan for Technology in the Charlottesville City Schools 1995-2000 addressed use and application of technology within the broad scope that considers all age groups of students, all staff categories, and all facilities within the division. The 1995 plan addressed a technology infrastructure that facilitates information access within a building, across the division, and to the community and world. The 1995 plan also recognized the need to provide staff training and technology support.

The 1995 plan focused on three related goal areas:

1. Professional Development and Support Systems
2. Ready Access to Appropriate Technologies
3. Networks and Telecommunication

Included within each of these goal areas was a cadre of defined objectives, supported by focused strategies, which would lead to accomplishing the stated goal. Strategies were listed in a suggested chronological order. Actual practice dictated some variation in the suggested order of priority.

The body of the plan did not address the concomitant costs of implementation. Estimating the cost of a technology plan that reaches into the next century would have been premature and inaccurate. Technology is in a constant state of development and flux. Today's pricey items become tomorrow's normal purchases. Today's *latest technology* easily becomes tomorrow's outmoded approach. Today's cutting edge technology becomes tomorrow's blunt curiosity. It has fallen to those who have implemented the plan to provide considered approaches that balance the need for appropriate technology capabilities with the need to utilize wisely limited fiscal resources.

No plan, especially one which deals with technology, can be considered final or complete. Even though it establishes technology considerations into the next century, *A Comprehensive Plan for Technology — Charlottesville City Schools* is a flexible, dynamic document. The Plan has been reviewed annually and revised as technology development and circumstance demand.

The 1998 revision considers the evolving technology environment across the division. Substantial financial support from recent state grants has enabled the division to increase considerably the availability of equipment and to provide a divisionwide networking infrastructure. While the division will continue to increase access to equipment, the identified needs which require greatest emphasis in the near future lie within two areas: staff development and network/Internet access.

Newly adopted Virginia *Technology Standards for Instructional Personnel* require the division to certify demonstrated technology proficiency by each staff member “required to hold a license issued by the Virginia Board of Education for instructional purposes.” The division must provide, by December 1998, the State Board with a technology plan that includes a process by which all instructional personnel can attain technology proficiency certification by 2002. This 1998 revision includes provisions for meeting this requirement.

Each of the division’s networked computers in classrooms or offices has access to the Internet. Such access has provided increased opportunities for students and staff to reach resources that only yesterday were but a dream. With the availability of such resources comes an ever increasing demand for access to those resources; such a demand requires a faster, more efficient network. This 1998 revision includes provisions for improving the existing network infrastructure.

The 1998 revision, like the original, does not specifically address the use of technology as a tool for instruction. The division plan provides a directed approach to providing a technology infrastructure which promotes access to and use of technology across all areas of responsibility—instructional, administrative, and management. Each school has in place an individual technology plan which is congruent with the division plan and which also specifically addresses the use of technology as a tool for instruction. This plan approach allows individual schools to identify and employ strategies which best meet the instructional needs of its students and staff.

Harley L. Miles, Coordinator
Technology and Testing

Judy T. Rood, Coordinator
Instructional Media Services

David A. Uhlig, Coordinator
Data Information Systems

December 1998

Philosophy

The Charlottesville City Schools provides opportunities to prepare students and staff to function successfully within an information focused, technological society. These opportunities allow students to gain skills and proficiencies which will enable them to take advantage of technology as a facilitating factor within the lifelong learning process. Additionally, these opportunities enable students to recognize the use and application of technology in technical, professional, and occupational pursuits.

In providing these opportunities, the school division expects its educators in all areas of responsibility and across all areas of the curriculum to utilize technologies to facilitate the teaching/learning process. In order to create such a technologically vibrant environment, the school division must provide ready and equal access to technology resources and opportunities for both students and staff. Additionally, in order to promote lifelong learning, the schools in the division must recognize that they exist as one component of a larger community. Schools must seek opportunities to utilize their technology resources not only for their students but also for and within the general community as a whole.

Status Key

✓.....Accomplished

★.....Significant progress made

Goals

- I. Establish professional development programs, support systems, and incentives to enhance teaching and learning through the use of computer and media technologies.
- II. Provide appropriate technologies to ensure that computer and media technology becomes an integral component of the learning environment.
- III. Develop networking and telecommunications systems within each school, across the district, and to the global community.

Goals with Objectives

- I. Establish professional development programs, support systems, and incentives to enhance teaching and learning through the use of computer and media technologies.
 - I.1 Provide specialized technology training to instructional leaders and support staff.
 - I.2 Provide training and professional development opportunities on available technologies and software for school personnel across all levels and positions.
 - I.3 Provide for all staff to be proficient in the use of appropriate computer and media technologies.
 - I.4 Offer technology incentives to encourage staff members to utilize various forms of computer and media technologies.
 - I.5 Form an open partnership with the Charlottesville Community to support full utilization of technology within schools and with the school community.
 - I.6 Continue to provide technology support and training systems at the district and building levels.
 - I.7 Recognize that providing technology opportunities involves a process of ongoing planning, assessment, evaluation, and fiscal support.
 - I.8 Establish annual capital budget items to support computer and media technology.
 - I.9 Pursue alternate means of funding, supporting, and implementing a comprehensive technology plan.

- II. Provide appropriate technologies to ensure that computer and media technology becomes an integral component of the learning environment.
 - II.1 Place at least one computer with network capabilities for teacher and student use in each classroom or learning area.
 - II.2 Purchase appropriate instructional, management, and presentation resources in disk, CD-ROM, and/or video format.
 - II.3 Provide basic multimedia capability for each instructional site.
 - II.4 Provide extended multimedia production and editing capability at IMS.
 - II.5 Purchase classroom sets of electronic learning tools.
 - II.6 Provide additional, or establish initial, general purpose microcomputer labs at all schools.
 - II.7 Provide additional, or establish initial, curriculum specific technologies at the high school.
 - II.8 Procure for all schools laptop computers which can be checked out by staff and students.
 - II.9 Procure specialized devices that will assist computer input/output for special needs and other student populations.